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The Chief or
Magalie Roman Salas, Secretary
Compliance and Information Bureau
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RE:CIB Docket#98-47

COUNTY RECORDER

Identifying Number

01/20/15 PM 4:02
VOL 167 PAGE 2656

A SECURITY - 15USC

This is a U.S.E.C.
TRACER FLAG, NOT A
POINT OF LAW*

COMMERCIAL AFFIDAVIT

Washington Republic *
*
Okanogan county *

KNOW ALL MEN BY
THESE PRESENTS

WHEREAS, THE ETERNAL AND UNCHANGING PRINCIPLES OF THE LAWS OF
COMMERCE ARE:

1. A matter must be expressed to be resolved.
2. In Commerce, Truth is sovereign.
3. Truth is expressed in the form of an Affidavit.
4. An un rebutted Affidavit stands as Truth in Commerce.
5. An un rebutted Affidavit becomes the judgement in Commerce.
6. An Affidavit of Truth, under Commercial Law, can only be satisfied:
(i) through a rebuttal Affidavit of Truth, point for point, (ii) by payment,
(iii) by agreement, (iv) by resolution by a jury by the rules of Common Law.
7. All are equal under the Common Law.

No. of Copies rec'd 0
List A B C D E

The foundation of Commercial Law is based upon certain eternally just, valid, and moral Precepts and Truths, which have remained unchanged for at least six thousand years, having its roots in Mosaic Law. Said Commercial Law forms the underpinnings of Western Civilization, if not all Nations, Law, and Commerce in the world. Commercial Law is non-judicial, and is prior to and superior to, the base of, and cannot be set aside or overruled by the statutes of any Governments, Legislatures, Governmental, or Quasi-Governmental agencies, Courts, Judges, and law enforcement agencies, which are under an inherent obligation to uphold said Commercial Law.

KNOW ALL MEN, THAT I CERTIFY IN THIS AFFIDAVIT OF TRUTH THAT THE FOLLOWING FACTS ARE TRUE, CORRECT, AND COMPLETE:

I, **Mark Alan, Rabenold**, Sui Juris, the undersigned, a Citizen of the Washington Republic, domiciled in Okanogan county, c/o: General Delivery, city of Oroville, state of Washington, USA, do solemnly swear, affirm, declare, attest, and depose:

1. That I am of lawful age and am competent to make this Affidavit.
2. That I have personal knowledge of the facts stated herein.
3. That I am not under the lawful guardianship or disability of another. This sworn Affidavit is made as a matter of record of my own right, sui juris, in my own proper status, propria persona.
4. I was naturally born in the contiguous California Republic, and I am domiciled in Okanogan county, in the Washington Republic, where I have occupied such status, since approximately March of 1992 A.D., for a period of approximately six years and one month.
5. I, **Mark Alan, Rabenold**, am a natural born, Sovereign, preamble, de jure Citizen of one of the fifty Sovereign American states.
6. I am a Citizen under the 1787 Constitution as amended and ratified in 1791, and precedent decisions of Article III Justice Courts of Law, and I have Rights secured by the aforesaid Constitution which are unalienable and were endowed by my Creator. I do not waive any of my Rights at any time.
7. I am not a citizen under the U.S. Constitution adopted by your Corporation as the Municipal Code for the District of Columbia and subject States in 1871.
8. The government of the united States may assume no powers over the People of the fifty Sovereign states that were not specifically delegated to it in the 1787 Constitution as amended and ratified in 1791.
- 9.. I am not obligated by or subject to the regulations, statutes, and acts you cite for reasons of my alienage to the State of the Forum of United States Laws governing communications within and between its territories and possessions.

10. I do not owe my Citizenship to the 14th Amendment of the 1787 Constitution. See: *Ellen R. Van Valkenburg v. Albert Brown*

11. I was not born in a territory over which the United States is sovereign.

12. I am not a citizen subject to United States jurisdiction, as such term is defined in **3 Am Jur 1420, Aliens and Citizens**; rather, I am a **Sovereign Citizen** with all the Rights, Authority, and pre-eminence of a Sovereign.

See: *Julliard v. Greenman*, 110 U.S. 421; *The Siren vs. U.S.*, 74 U.S. 152; *United States v Lee*, 106 U.S. 196, at 208; *Lansing v. Smith*, 21 1.89 ; *Yick Wo vs. Hopkins* and *Woo Lee vs. Hopkins*, 118 U.S. 356; among others.

13. I am "nonresident to" and "not a dweller within" the jurisdiction of the "State of the Forum" of **Art. I, Sec. 8, Cl. 17 and Art. IV, Sec 3, Cl. 2** of the Constitution for the united States of America, in which Congress "exercises exclusive Legislation in all Cases whatsoever, over such District not exceeding ten Miles square,"...or places legally ceded by the states for the Erection of Forts...Arsenals, and other needful buildings or any other territories or properties "belonging to" the United States.

"It is a well established principle of law that all federal legislation applies only within the territorial jurisdiction of the United States unless a contrary intent appears." *Foley Brothers v. Filardo*, 336, U.S. 281. See also: *Caha v. U.S.*, 162 U.S. 211; *Heath v. Ala*, 474 U.S. 187; *U.S. v. Spelar*, 338 U.S. 217 at 222; *New Orleans v. United States* 36 U.S., (10 pet.) 662(1836); *Pollard v. Hagan*, 44 U.S. 213, 221, 223; among others.

14. I am not a "resident of", "inhabitant of", a "franchisee of", "subject of", "ward of", "property of", "chattel of", or "subject to the jurisdiction of" the State of the Forum of any United States, corporate State, corporate County, or corporate City, or Municipal body politics created under the primary authority of **Art. I, Sec. 8, Cl. 17 and Art. IV, Sec. 3, Cl. 2 of the Constitution for the united States of America** and I am not subject to any legislation created by or under the jurisdiction of any employees, officers, or agents deriving their authority thereof. Further, I am not a subject of the Administrative and Legislative Article I Courts or bound by precedents of such courts created by the "United States".

"Legislation enacted by Congress applicable to the inferior courts in the exercise of the power under Article III of the Constitution cannot be affected by legislation enacted by Congress under Art. I, Sec. 8, Cl. 17, of the Constitution." D.C. Code, Title 11 at p. 13.

15. As a **Sovereign Citizen** of one of the fifty states, under the Constitution and the Law, only Article III Justice Courts of Law decisions are applicable to me.

16. **TAKE NOTICE** that I, hereby, cancel any presumed election made by the United States Government or any agency or department, thereof, that I am or ever have been a citizen or resident of any territory, possession, instrumentality or enclave, under the sovereignty or exclusive jurisdiction of the United States, as defined in the Constitution for the united States of America in **Art. I, Sec. 8, Cl. 17 and Art. IV, Sec. 3, Cl. 2**. I further cancel any presumption that I ever voluntarily elected to be treated as such a citizen or resident.

17. **TAKE NOTICE** that I revoke and cancel all of my signatures on any other forms, which may be construed to give the Federal Communications Commission or any other agency or department of the United States Government, created under the authorities of Article I, Sec. 8, Cl 17 and Article IV , Sec. 3, Cl. 2 of the Constitution for the united States, authority or jurisdiction over me. I also revoke, rescind and make void ab initio, all powers of attorney, in fact, in presumption, or otherwise, signed either by me or anyone else, with or without my consent, as such power of attorney pertains to me, by but not limited to, any and all governmental/quasi/colorable, public, Governmental entities or corporations, on the grounds of constructive fraud, and non-disclosure of pertinent facts.

18. I am not an officer, employee, or elected official of the United States, the District of Columbia, or any Territory, or Possesion of the United States.

19. I do not reside within the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, or any other Territory, or Possession, the United States.

20 I am not a "United States Person", "United States Resident", "U.S. Individual", "U.S. Corporation" or "citizen subject to its jurisdiction", as such "words of art" and legal fictions are defined in U.S. Codes.

21. The requirement to pay a license fee involves the exercise of a privilege. I am exercising no Constitutionally taxable privileges, but rather, **Rights**, secured in the Constitution for the united States of America and the Bill of Rights and my Rightful activities within the contiguous Washington Republic are secured, in part, by those documents, among others, and are purposely so stated to **prevent misconstruction or abuse of the powers delegated to the United States.**

"A State [or the United States] may not impose a charge for the enjoyment of a Right granted by the federal Constitution." *Murdock v. Pennsylvania*, 319 U.S. 105, at 113.[information added in context]. See also: *Marbury vs Madison*, 5 U.S. 137, 174, 176; *Miranda vs Arizona*, 384 U.S. 436 p. 491; *Miller vs U.S.*

22. In the context of 47 U.S.C. the term "State" does not include any of the several "states" of the Union (ie: Washington, Oregon, California, etc.) but rather, pertains to the District of Columbia, and the Territories and possessions of the "United States" created and governed under the authorities of Article I, Sec.8, Cl. 17 and Article IV, Sec. 3, Cl. 2 of the Constitution for the united States of America. "United States" includes only the aforesaid "States". The several Sovereign fifty "states" of the Union are foreign to the "United States" and, as such, are not subject to the laws of the "United States" Government. See also the "United States", a Corporation defined at 28 U.S.C. 3002(15)(a); *Hooven v. Evatt*, 394 U.S. 671; *U.S. v. Cruikshank*, 92 U.S. 542, 23 L. Ed 588; *Downes v. Bidwell*, 182 U.S. 244.

23. I am not engaged in interstate (meaning between the several states of the Union such as Washington, Oregon, California, etc.) or international commerce, but rather, **Intrastate** commerce within the contiguous Washington Republic.

24. My Sovereign status is secured by both Natural and Hereditary Right in that my ancestors were Christian, Free, White, Male, and Sovereigns in their own Right, domiciled in the Sovereign state of Pennsylvania, at the time of the adoption of the 1787 Constitution for the united States of America.

25. The term "person" in 47 U.S.C., section 301 does not include the Sovereign Citizen of one of the several states of the Union.

"SINCE IN COMMON USAGE, THE TERM PERSON DOES NOT INCLUDE THE SOVEREIGN, STATUTES NOT EMPLOYING THE PHRASE ARE ORDINARILY CONSTRUED TO EXCLUDE IT." U. S. vs. Fox 94 U.S. 315 [emphasis added]

IN SUMMARY:

a) Your papers do not have upon their face my full Christian Name in upper and lower case letters, and the fictional, legal, juristic "person" you are attempting to create does not exist. Furthermore, your usage of these legal fictions is a misappropriation of my property and security, and render your papers unintelligible to me.

b) Your papers allege violations of a law foreign to my Venue.

c) Your papers are purely presumptive in nature and lack any positive facts which establish the United States' jurisdiction over either location, subject matter, or this Sovereign, thereby failing to place or bring me into your venue.

e) Your papers fail to affirmatively show, upon their face, lawful authority for your presence in my Venue; the necessity for your entry upon my Privacy; your authority to violate, harrass, or otherwise disparage me in any manner; or any legal connection between myself and your agency.

f) Your papers have no Warrant in Law and are not Judicial in Nature.

g) Your papers are incomplete and defective, upon their face, due to insufficient Law.

h) Your papers were received, but not accepted, and are refused for cause without dishonor and without recourse to me and returned herewith because they are irregular, unauthorized, incomplete, and void process.

NOTICE: This Affidavit was not written for the purpose of debating the constitutionality or legality of the Communications Act of 1934, but rather, to establish facts exposing the United States Government's lack of jurisdiction in this matter. I am not a **PIRATE**. Any past or future reference to me as such by your agency and its officers will be considered "defamation of character" and will be litigated as such. None of the facts or Laws presented herein are contrary to the Communications Act of 1934, or Court decisions applicable to me. All facts contained herein are based upon ruling case law and unoverruled decisions of the supreme Court of the united States. None of these facts have been found to be "frivolous" by any court, when argued in their exact and proper context. These are technical facts that, under Commercial Law must be rebutted with "case law" or acquiesced to.

**You may respond, in writing, within 20 days
of the date of mailing of this Affidavit to:**

Mark Alan, Rabenold; sul juris

**c/o: General Delivery
city of Oroville
state of Washington, USA**

Failure to address me in any other manner than the above format will result in my refusal of your papers for cause without dishonor and without recourse to me.

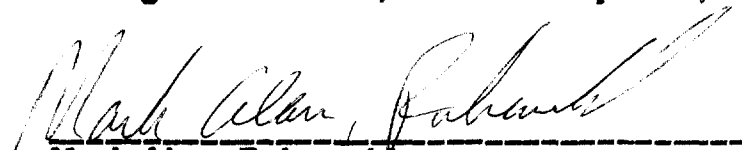
Your failure to respond within 20 days or responding without properly addressing me will mean that you have vacated the presentments of your demand and acquiesced to this Affidavit in its entirety and this default on your part will be deemed to set for the record the material facts presented herein as ultimate facts on the part of the United States Government, and from this date forward, the doctrine of "estoppel by acquiescence" will prevail.

Any statements or claims in this Affidavit properly rebutted by facts of law, or overriding Article III supreme Court rulings, such shall not prejudice the lawful validity of other claims not properly rebutted or invalidated by facts of law.

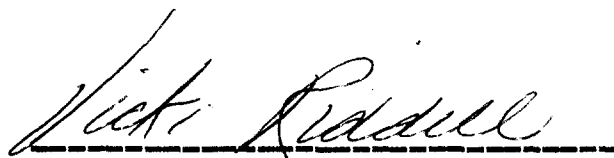
I declare under penalty of perjury under the laws of the united States of America, that the foregoing, to the best of my knowledge, is true and correct.

Executed at: city of Oroville, state of Washington on 15 April 1998 A.D.

All Rights Reserved, Without Prejudice, UCC 1-207



Mark Alan, Rabenold, sul juris



Witness



Witness.

Before the
Federal Communications Commission
Washington, D.C. 20554

In re)
)
MARK A. RABENOLD) CIB Docket No. 98-47
Oroville, Washington)
)
Order to Show Cause Why a)
Cease and Desist Order Should Not Be Issued)

*Not Accepted -
Refused for Cause
and without
Disposal*

**ORDER TO SHOW CAUSE AND
NOTICE OF OPPORTUNITY FOR HEARING**

Adopted: April 2, 1998

Released: April 6, 1998

By the Commission:

1. The Commission has under consideration information concerning the transmission of radio signals without a license by Mark A. Rabenold ("Rabenold"). For the reasons that follow, we order Rabenold to show cause, pursuant to Section 312(c) of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 312(c), why we should not issue a cease and desist order which prohibits further unauthorized transmissions on his part. Also, pursuant to Section 1.80(g) of the Commission's Rules (the "rules"), 47 C.F.R. § 1.80(g), this order constitutes a notice of opportunity for hearing to determine whether, in addition to or as an alternative to the issuance of a cease and desist order, a forfeiture should be imposed for violations of the Act and the rules.

2. **Background.** On August 21, 1997, Michael P. Rothe ("Rothe") and Donald C. Roberson ("Roberson"), employees of the Commission's Compliance and Information Bureau ("CIB") stationed in the Seattle Field Office observed an unauthorized FM broadcast station operating on 105.1 MHz in the Oroville, Washington, area. Using directional finding techniques, they determined that the signals came from an antenna at the back of the building at 1214 Main Street, Oroville. Rothe and Roberson measured the strength of the signal from two locations. At a distance of 103 meters from the antenna, the signal strength was measured at 6.5 mV/m, while, from a slightly different angle and at a distance of 99.3 meters, the signal strength was measured at 5.8 mV/m. Rothe and Roberson calculated that these values are the equivalent of 223,900 μ V/m at 3 meters and 180,400 μ V/m at 3 meters, respectively, both of which exceed the limit for unlicensed operation in the FM band of 250 μ V/m at 3 meters prescribed by Section 15.239 of the rules, 47 C.F.R. § 15.239. Further investigation by Rothe and Roberson appeared to indicate that the operator was Rabenold.

3. That same day, Rothe and Roberson located Rabenold. Rabenold informed them that he would let them inspect the station if they filled out a questionnaire he had prepared. After Rothe and Roberson refused to complete the questionnaire, Rabenold stated he would not let them inspect the station. Rothe and Roberson then handed Rabenold a letter, which advised Rabenold that no license had been issued by the Commission to him for broadcast operations on 105.1 MHz. The letter also stated that:

[O]peration of radio transmitting equipment without a valid radio station authorization

and/or refusal to allow inspection of your radio station constitutes violation of the Federal laws cited above and could subject the owner, operator or anyone aiding and abetting this illegal operation to an **administrative penalty** of monetary forfeiture under Section 503(b) of the Act, 47 U.S.C. § 503(b). . . . **UNLICENSED OPERATION OF THIS RADIO STATION MUST BE DISCONTINUED IMMEDIATELY.** (emphasis in original).

The letter also solicited Rabenold's comments on the matter and advised him that he could request an interview with the Commission to discuss the matter.

4. By certified letter dated September 25, 1997, Dennis J. Anderson ("Anderson"), District Director of the Seattle Field Office, informed Rabenold that Commission agents had determined that he was operating illegally on 105.1 MHz in that the field strength of the signal transmitted by Rabenold exceeded the maximum authorized for operation without a license by Section 15.239(b) of the rules. 47 C.F.R. §15.239(b). Anderson's letter advised Rabenold immediately to cease operating the unlicensed FM radio broadcast station and that operation of a radio transmitter without proper authorization could subject Rabenold to a forfeiture as well as criminal penalties. Anderson's letter requested a reply describing the steps that had been taken to ensure that illegal broadcasts did not recur. Commission records indicate that Rabenold appears to have signed the return receipt but that he did not submit a response. On March 12, 1998, Roberson confirmed that Rabenold's unauthorized transmissions are continuing.

5. **Discussion.** Section 301 of the Act, 47 U.S.C. § 301, provides in pertinent part:

It is the purpose of this Act, among other things, to maintain the control of the United States over all the channels of radio transmission No person shall use or operate any apparatus for the transmission of energy or communications or signals by radio (a) from one place in any State . . . to another place in the same State . . . except under and in accordance with this Act and with a license in that behalf granted under the provisions of this Act.

Anyone transmitting radio transmissions in the United States must have authority from the Commission to do so. See U.S. v. Medina, 718 F. Supp. 928 (S.D. Fla. 1989); U.S. v. Weiner, 701 F.Supp. 15 (D.Mass. 1988), aff'd, 887 F.2d 259 (1st Cir. 1989); Stephen Paul Dunifer, 11 FCC Rcd 718, 720-21, ¶¶ 7-9 (1995) (regarding Commission's licensing requirement); and Order to Show Cause and Notice of Apparent Liability, 50 Fed. Reg. 20603, published May 17, 1985 (Alan H. Weiner). As the facts recited above reflect, it appears that Rabenold has violated and may currently be violating Section 301 of the Act.

ORDERING CLAUSES

6. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 312(c) of the Act, Mark A. Rabenold **IS DIRECTED TO SHOW CAUSE** why he should not be ordered to **CEASE AND DESIST** from violating Section 301 of the Act, at a hearing to be held at a time and location specified in a subsequent Order, upon the following issues:

1. To determine whether Mark A. Rabenold has transmitted radio energy without appropriate authorization in violation of Section 301 of the Act.

2. To determine whether, based on the evidence adduced pursuant to the preceding issue, Mark A. Rabenold should be ordered to cease and desist from violating Section 301 of the Act.

7. **IT IS FURTHER ORDERED** that, pursuant to Section 312(d) of the Act, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Compliance and Information Bureau with respect to issues 1 and 2.

8. **IT IS FURTHER ORDERED** that this Order to Show Cause shall constitute a Bill of Particulars with respect to all foregoing issues.

9. **IT IS FURTHER ORDERED** that, to avail himself of the opportunity to be heard, Mark A. Rabenold, pursuant to Sections 1.91(c) of the rules, in person or by attorney, **SHALL FILE** in triplicate with the Commission within twenty (20) days of the mailing of this Order, a written appearance stating that he will appear at the hearing and present evidence on the matters specified in this Order.

10. **IT IS FURTHER ORDERED** that, without regard as to whether the hearing record warrants an order that Mark A. Rabenold cease and desist from violating the Act or the rules, it shall be determined, pursuant to Section 503(b) of the Act, whether an **ORDER FOR FORFEITURE** in an amount not to exceed \$11,000¹ shall be issued against Mark A. Rabenold for the alleged violations of Section 301 of the Act.

11. **IT IS FURTHER ORDERED** that in connection with the possible forfeiture liability noted above, this document constitutes a notice of opportunity for hearing pursuant to Section 503(b) of the Act and Section 1.80 of the rules.

12. **IT IS FURTHER ORDERED** that a copy of each document filed in this proceeding subsequent to the date of adoption of this Order **SHALL BE SERVED** on the counsel of record appearing on behalf of the Chief, Compliance and Information Bureau. Parties may inquire as to the identity of such counsel by calling the Compliance and Information Bureau at (202) 418-1100, TTY (202) 418-2544. Such service **SHALL BE ADDRESSED** to the named counsel of record, Compliance and Information Bureau, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

13. **IT IS FURTHER ORDERED** that the Office of Public Affairs, Reference Operations Division of the Commission send a copy of this Order by Certified Mail - Return Receipt Requested to:

Mark A. Rabenold
960 Swanson Mill Road
Tonasket, Washington 98855

¹ This figure reflects the maximum appropriate forfeiture amount in light of the specific facts at issue. See 47 U.S.C. § 503(b)(2)(C); 47 C.F.R. §§ 1.80(b)(3), (b)(4), (b)(5); see also In re the Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines, 12 FCC Rcd 17087 (1997)(petitions for reconsideration pending).

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas
Secretary